

# Notice of Meeting

To be filed in duplicate

Notice is hereby given in accordance with Chapter 30A, Section 18-25 of the General Laws of a meeting of the:

## *City Council*

Meeting will be held at **7:15 PM**

On **Tuesday, June 4, 2019**

The location of the meeting will be

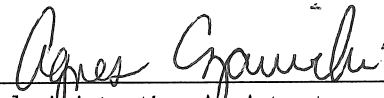
**RiverMills Senior Center, Lower Level,  
Small Garden Room #14A**

Full description of location

**5 West Main Street, Chicopee, MA 01013**

The purpose of the meeting

**See attached agenda**



Administrative Assistant  
May 31, 2019

<p>Date and Time Received by the City Clerk's Office (electronic stamp)</p> <p>1019 MAY 31 12:14 CITY CLERK'S OFFICE CITY OF CHICOPEE</p>	<p>Date and Time Posted by the City Clerk's Office (electronic stamp)</p> <p>1019 MAY 31 12:14 CITY CLERK'S OFFICE CITY OF CHICOPEE</p>
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The briefing for the City Council Meeting to be held on Tuesday, June 4, 2019 will be held at 6:30 pm at the RiverMills Senior Center, 5 West Main Street.

Agenda for the City Council Meeting on Tuesday, June 4, 2019 at 7:15 pm at the RiverMills Senior Center, 5 West Main Street is as follows:

#### Public Input

- C-1 A communication from Brandon Pollock, President & CEO, Theory Wellness Inc. for an extension of two Special Permit applications located at 672A Fuller Road.
- MO-1 Mayors appropriation of One million and 00/100 dollars (\$1,000,000.00) to the following named account: Reduction of the 2020 Fiscal Year Tax Levy from available funds in the Undesignated Fund Balance "Free Cash" Account.
- MO-2 Mayors appropriation of Seven thousand twenty five and 60/100 dollars (\$7,025.60) to the following named account: Human Resources Special Account for Indemnifications of Police & Fire from available funds in the Undesignated Fund Balance "Free Cash" Account.
- MO-3 Mayors appropriation of Five thousand ninety three and 57/100 dollars (\$5,093.57) to the following attached named General Fund Salary Accounts in accordance with the recently signed Memorandum of Agreement with the Chicopee Professional Municipal Employees Association from available funds in the Human Resources Special Account for Employee Salary Reviews.
- MO-4 Mayors appropriation of One thousand ten and 35/100 dollars (\$1,010.35) to the following attached named Sewer Fund Salary Accounts in accordance with the recently signed Memorandum of Agreement with the Chicopee Professional Municipal Employees Association from available funds in the Sewer Surplus Account.
- MO-5 Mayors appropriation of Five hundred ninety three and 39/100 dollars (\$593.39) to the following attached named Water Fund Salary Accounts in accordance with the recently signed Memorandum of Agreement with the Chicopee Professional Municipal Employees Association from available funds in the Water Surplus Account.
- MO-6 Mayors appropriation of One hundred sixty five thousand and 00/100 dollars (\$165,000.00) to the following named account: Fire Special Account for Purchase of Equipment from available funds in the Fire Salary Account for Firefighter 2<sup>nd</sup> Year.
- MO-7 Mayors appropriation of Fifty eight thousand and 00/100 dollars (\$58,000.00) to the following named account: Fire Special Account for Purchase of Equipment from available funds in the Fire Salary Account for Firefighter 2<sup>nd</sup> Year.
- MO-8 Mayors appropriation of Forty six thousand and 00/100 dollars (\$46,000.00) to the following named account: Fire Special Account for Purchase of Equipment from available funds in the Fire Salary Account for Firefighter 2<sup>nd</sup> Year.
- MO-9 Mayors appropriation of Thirty eight thousand and 00/100 dollars (\$38,000.00) to the following named account: Fire Special Account for Purchase of Equipment from available funds in the Fire Salary Account for Firefighter 2<sup>nd</sup> Year.
- MO-10 Mayors appropriation of Twenty four thousand and 00/100 dollars (\$24,000.00) to the following named account: Fire Special Account for Purchase of Equipment from available funds in the Fire Salary Account for Firefighter 2<sup>nd</sup> Year.
- MO-11 Mayors appropriation of One hundred eighty thousand and 00/100 dollars (\$180,000.00) to the following named account: Remediation/Demolition of Uniroyal Buildings from available funds in the Undesignated Fund Balance "Free Cash" Account.

- MO-12 Mayors appropriation of Fifty three thousand six hundred thirty nine and 10/100 dollars (\$53,639.10) to the following named account: Reserve for School Special Custodians from available funds in the Undesignated Fund Balance "Free Cash" Account.
- MO-13 Mayors appropriation of Eighteen thousand and 00/100 dollars (\$18,000.00) to the following named account: Library Expense Account for Special Services from available funds in the Library Salary Account for Assistant Director.
- MO-14 Ordered that the City Council accept the attached list of donations in the amount of One thousand seven hundred and 90/100 dollars (\$1,799.90). Said donations are to be used for the May 4, 2019 Parks Clean-Up Day as part of the Earth Days Celebration and are accepted in accordance with M.G.L. Chapter 44 Section 53A and 53A 1/2.
- MO-15 Ordered that the City Council accept the attached list of donations in the amount of One thousand six hundred fifty five and 00/100 dollars (\$1,655.00) to the Chicopee Public Library. Said donations are accepted in accordance with M.G.L. Chapter 44 Section 53A.
- MO-16 To the City Council:
- You are hereby notified that I have this day appointed, Donald D. Goulette, 1031 Granby Road, Chicopee, Massachusetts as a member of the License Commission to serve in such office for the term expiring on the 1<sup>st</sup> of June, 2024. To which appointment I ask the confirmation of your honorable council.
- \*Re-Appointment
- MO-17 To the City Council:
- You are hereby notified that I have this day appointed, Al Kendall, 40 Meadow Street, Chicopee, Massachusetts as a member of the Board of Registrars of Voters to serve in such office for the term expiring on the 1<sup>st</sup> of April, 2023. To which appointment I ask the confirmation of your honorable council.
- \*Re-Appointment
- MO-18 An order authorizing the Mayor, in accordance with M.G.L. C. 40 §§ 3, 14 and 15A and the City Charter, to acquire and dispose of certain real estate through a boundary line agreement with D.H. Holdings Corporation for the purpose of clearing title to property needed for Flood Control in the area of Delta Park.
- See attached order.
- MO-19 BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:
- DELETE THE FOLLOWING
- § 61-2. Other responsibilities.
- The City Messenger shall:
- A. Be custodian of the City Hall and Annex, the public safety complex, the Little Red School House, the library and fire station, the public building on Britton Street and the C & ROP building on Center Street. The City Messenger shall, under the direction of the Mayor, be custodian of all City buildings listed above. He shall be responsible for the maintenance of the buildings and grounds and have charge of all employees and records pertaining to the same.

- B. Prepare rooms selected for polling places and have equipment available in due time for the proper conduct of elections

§ 61-3. Assistants.

The Assistant City Messenger and all other employees having the care and maintenance of the City Hall buildings and grounds shall be responsible to the City Messenger, under the direction of the Mayor.

§ 61-4. Retention of certain fees.

The City Messenger shall in no case receive any fee, other than his salary, for his services in or about the City buildings, except for services at balls, fairs or festivals, rendered after the hour of 9:00 p.m. and any such fees received by him may be retained by him as his own property.

§ 61-5. Subdivision and assignment of parking spaces.

The City Messenger is directed to subdivide, line and number the municipal parking lot adjoining the City Hall Annex into 26 parking spaces, two designated for handicap parking. The remaining spaces shall be assigned by the City Messenger for the use of municipal departments.

This ordinance shall take effect July 13, 2019.

- 20 A favorable Recreation Committee report, BE IT ORDERED THAT the Recreation Committee meet with the Parks and Recreation Department and Golf Department for an update on the department's budget, capital and outlook for 2019.

- 21 A favorable Zoning Committee report, application for a Special Permit under Section 275-72 of the Municipal Zoning Ordinance for the purpose of a Marijuana Establishment categorized under License Group A and located at 77 Champion Drive and used for Marijuana Cultivation and Marijuana Product Manufacturing. Furthermore, Apical is seeking the following waivers:

1. A partial waiver of the requirement for a 100 ft. vegetative screen along the southern parcel boundary.
2. A partial waiver of the requirement for a 100 ft. vegetative screen along the western parcel boundary.

Applicant Apical, Inc.  
Kot Kasom  
19 Wemelco Way  
Southampton, MA 01073

- 22 A favorable Zoning Committee report for a Special Permit application under 275-72 for the purpose of adult use marijuana establishment – marijuana retailer (license group B) and the following waiver requests

1. Seeking a waiver from the hours set forth in Section E (4) of the Adult Use Marijuana Zoning Ordinance – to operate from 8AM to 10PM, seven days a week
2. Seeking a waiver under section 275-62 (D) for setback requirements for ground sign from 25 feet to 1.8 feet.

Location – 672A Fuller Road

Applicant Theory Wellness, Inc.  
Brandon Pollock, President & CEO  
38 Montvale Avenue #210  
Stoneham, MA 02180

- 23 A favorable Zoning Committee report for a Special Permit application under 275-70 for the purpose of medical marijuana facility (retail medical marijuana dispensary) and the following waiver requests
1. Seeking a waiver from the hours set forth in Section E (4) of the Adult Use Marijuana Zoning Ordinance – to operate from 8AM to 10PM, seven days a week
  2. Seeking a waiver under section 275-62(D) for setback requirements for ground sign from 25 feet to 1.8 feet.
- Location – 672A Fuller Road
- Applicant Theory Wellness, Inc.  
Brandon Pollock, President & CEO  
38 Montvale Avenue #210  
Stoneham, MA 02180
- 24 A favorable Zoning Committee report for a Special Permit application under Chapter 275-50(C)(2)(b) for the purpose of erecting digital sign mounted to pylon sign located at 658 Fuller Road.
- Applicant Carlos A. Martins  
658 Fuller Road  
Chicopee, MA 01020
- 25 A favorable Zoning Committee report for a Special permit application under Chapter 275-52(B)(13) for the purpose of an animal kennel license located at 31 Donlyn Drive.
- Applicant Theresa Chagnon  
31 Donlyn Drive  
Chicopee, MA 01013
- 26 A favorable Zoning Committee report, an application for a Zone Change from Business A to Residential B for 8,700 SF of property located at 652 Chicopee Street for the purpose of building a two story duplex and to connect the property to a larger, existing Residential B zone located to the north east of the property.
- Applicant Andre Marcoux  
Deborah Missildine  
67 Catherine Street  
Chicopee, MA 01013
- 27 A favorable Zoning Committee report, BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:
- Delete Chapter 275-66 A in its entirety
- And insert in place thereof
- 275-66 A Burnett Road
- A. No further business, commercial or industrial development shall occur on Burnett Road from the Ludlow/Chicopee line to the intersection of New Lombard Road and Burnett Road and any appurtenant street for a period of one year commencing on April 1, 2019, and terminating on April 1, 2020, except by special permit.
- 28 BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:
- Chapter 95  
Add the following to the end of 95-1A

The City Council may exempt any vehicle from this Section by majority vote of the full City Council

To read:

A. All motor vehicles owned and operated by the City of Chicopee shall be painted and marked as follows:

(1) Color: federal highway safety yellow or chrome yellow or equal, except that the Superintendent of Schools, the Superintendent of the Water Department, the Superintendent of Parks and Recreation, the Supervisor of Motor Equipment, the City Engineer, the Assessor, the Superintendent of the Department of Public Works, the Building Commissioner, the City Treasurer, Sealer of Weights and Measures, three recycling vehicles, all used recycled City Vehicles which are not currently federal highway safety yellow or equal that are accepted into the general fleet, one flatbed truck (recycling fleet), recycling vehicle received from the Department of Environmental Protection, municipal home vehicle, the library vehicle, Council on Aging vehicles and the central maintenance service truck shall be exempt from this requirement. The City Council may exempt any vehicle from this Section by majority vote of the full City Council.

Tillotson/Laflamme

29 BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Add Chapter 279

#### CHAPTER 279 MENSTRUAL HYGIENE PRODUCTS ACCESS ORDINANCE

##### SECTION 1: PURPOSE

To improve gender equity in public toilet facilities by providing free menstrual hygiene products in restrooms serving the general public in its public buildings.

McAuliffe

30 WHEREAS, the Lesbian, Gay, Bisexual and Transgender (LGBT) communities of Chicopee are an integral part of the vibrant culture and climate of Chicopee; and

WHEREAS, the diverse LGBT community continues to contribute to the widespread academic, economic, artistic and social spheres within and around our greater community; and

WHEREAS, the month of June is designated as Pride Month to commemorate the Stonewall Riots which occurred in June of 1969 and are generally recognized as the catalyst of the LGBT rights movement, and

WHEREAS, Chicopee's Lesbian, Gay, Bisexual and Transgender communities make an indelible impact upon the quality of life in Chicopee, and Pride Month serves as a call to our collective consciousness to persist in the fight to eradicate prejudice and discrimination everywhere:

NOW, THEREFORE, BE IT RESOLVED that the City Council in the City of Chicopee does hereby recognize and salute PRIDE in the Lesbian/Gay/Bisexual community in Chicopee; and

BE IT FURTHER RESOLVED that the Council does hereby proclaim June 2019, as "Pride Month" in the City of Chicopee.

McAuliffe

- 31 ORDERED THAT the DPW move the "Slow Children" sign from 20/22 Muzzy Street to the east side of Muzzy Street, 20 feet from Cochran Street.
- Krampits
- 32 BE IT ORDERED THAT the Finance Committee meet to discuss the recommendation to the Mayor that a Traffic Enforcement position be added to the Police Department and to include the appropriate funding.
- Courchesne
- 33 BE IT ORDERED THAT the Finance Committee meet to discuss the recommendation to the Mayor that a Code Enforcement position be added to the Law Department staff and to include the appropriate funding.
- Courchesne
- 34 A proposed ordinance, adding to Chapter 260, Handicap Parking, 926 Chicopee Street, Handicap Parking.
- Courchesne
- 35 A proposed ordinance, adding to Chapter 260, Isolated Stop Signs and Signal Lights, Paul Street – At the intersection of Paul Street and Wallace Street, Isolated Stop Sign.
- Walczak
- 36 A NEW Service Station License application for Big Y Express #119, 1177 Granby Road.
- 37 An amendment of a Junk Dealers License for a change of location from 766A Memorial Drive to 1260 Memorial Drive. Applied for by: Archie Moe, 125 Ohio Avenue, West Springfield, MA 01089.

ATTEST:



KEITH W RATTELL  
CITY CLERK